

**EXHIBIT C**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE,  
FOR RESIDENTIAL ASSET SECURITIES  
CORPORATION, HOME EQUITY MORTGAGE  
ASSET-BACKED PASS-THROUGH CERTIFICATES,  
SERIES 2005-EMX1

Plaintiff,

v.

C.A. No. 2020-00227

ARIEL TORRES

Defendant.

**AFFIDAVIT**

I, Jeremiah Herberg, do depose and state that:

1. I make this affidavit in support of the *Motion for Summary Judgment* filed by plaintiff U.S. Bank National Association, as Trustee, for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass-Through Certificates, Series 2005-EMX1 ("U.S. Bank as Trustee" or "Plaintiff").

2. I am a Vice President Loan Documentation of Wells Fargo Bank, N.A. (hereinafter "Wells Fargo"), as Servicing Agent for Plaintiff.

3. I am authorized to make this Affidavit on behalf of the Plaintiff. In the regular performance of my job functions, I am familiar with business records maintained by Wells Fargo for the purpose of servicing mortgage loans. These records (which include data compilations, electronically imaged documents, and others) are made at or near the time by, or from information provided or transmitted by, persons with knowledge of the activity and transactions reflected in such records, and are kept in the course of business activity conducted regularly by Wells Fargo. It is the regular practice of Wells Fargo's mortgage servicing business to make these records. In connection with making this affidavit, I have acquired knowledge of the matters stated herein by examining these business records ("Records").

4. According to the Records, Ariel Torres ("Torres") executed a \$199,920.00 promissory note dated December 17, 2004 (the "Note") secured by a mortgage (the "Mortgage") on 40 Carter Street, Providence, RI 02907 ("Property Address").

5. Wells Fargo serviced the Note and Mortgage executed by Torres from March 1, 2007.

6. U.S. Bank National Association is the trustee for the beneficiaries of the trust known as RASC Series 2005-EMX1 Trust.

7. The Note is owned by U.S. Bank National Association, as Trustee, for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass-Through Certificates, Series 2005-EMX1.

8. On May 8, 2018, Wells Fargo, as agent for the beneficiary of the mortgage, mailed a notice of default ("Notice of Default") by first class mail to Torres at the Property Address pursuant to paragraph 22 of the Mortgage.

9. A true and accurate copy of the Notice of Default is attached as Exhibit C-1. Id.

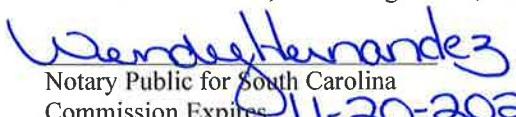
10. Torres did not cure the default on or before June 12, 2018.

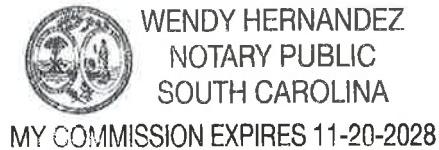
**Subscribed and sworn to under the pains and penalties of perjury on this 16<sup>th</sup> day of November, 2020, by:**

  
\_\_\_\_\_  
Jeremiah Herberg - Vice President Loan Documentation  
Wells Fargo Bank, N.A.  
11/16/2020

State of South Carolina )  
County of York )

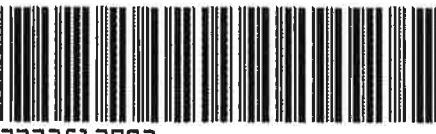
Sworn and subscribed before me on this 16<sup>th</sup> day of November 2020, by Jeremiah Herberg, Vice President Loan Documentation, Wells Fargo Bank, NA.

  
Notary Public for South Carolina  
Commission Expires 11-20-2028



**EXHIBIT C-1**

Wells Fargo Home Mortgage  
PO Box 9065  
Temecula, CA 92589-9065



Send Payments to:  
Wells Fargo Home Mortgage  
3440 Flair Drive  
El Monte, CA 91731

Send Correspondence to:  
Wells Fargo Home Mortgage  
Written Customer Contact  
P.O. Box 10335  
Des Moines, IA 50306

20180509-67

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ARIEL TORRES  
40 CARTER ST  
PROVIDENCE, RI 02907-2905

PRESORT  
First-Class Mail  
U.S. Postage and  
Fees Paid  
WSO

**First Unpaid Payment Due Date at time of this mailing: November 1, 2010.**





Wells Fargo Home Mortgage  
PO Box 9065  
Temecula, CA 92589-9065

Return Address only  
Do not send payments to this address

May 8, 2018

ARIEL TORRES  
40 CARTER ST  
PROVIDENCE, RI 02907-2905

Dear ARIEL TORRES:

RE: Loan Number [REDACTED]

Our records indicate that your loan is in default for failure to make payments due. Unless the payments on your loan can be brought current by June 12, 2018, we may accelerate the sums secured by your security instrument and end your ownership of the property through sale of the property.

To cure the default you must pay the total delinquency against your account, which as of today's date is:

Past Due Payments	\$159,433.99
Late Charge Balance	\$1,411.08
Other Fees	\$8,652.23
Total Delinquency as of May 8, 2018	\$169,497.30

To avoid the possibility of acceleration, you must pay this amount on or before June 12, 2018.

If you're sending payments through regular USPS first class mail, send payments to this address:

Wells Fargo Home Mortgage  
PO Box 105632  
Atlanta, GA 30348-5632

If you're sending payments using an express carrier, send your payment to this address:

Wells Fargo Home Mortgage  
3440 Flair Drive  
El Monte, CA 91731

For the loan to be current and not in default, any additional monthly payments, late charges and other charges that may be due under the note, mortgage and applicable law after the date of this notice must also be paid.

You have the right to bring a court action to assert the non-existence of a default or any other defense you may have to the acceleration and sale.

You have the right to reinstate your Mortgage Note and Mortgage or Deed of Trust after acceleration, and to have enforcement of the Mortgage discontinued and to have the Mortgage Note and Mortgage or Deed of Trust remain fully effective as if acceleration had never been required. However, any future negotiations attempting to reinstate your loan or any payment of less than the full amount due shall not require Wells Fargo Bank, N.A.'s waiver of the acceleration unless otherwise agreed to, in writing, by Wells Fargo Bank, N.A.

If you would like to discuss the present condition of your loan, and the potential mortgage assistance options available to help you stay in your home, please call one of our Loan Service Representatives at 1-800-416-1472, Monday through Friday from 7:00 am - 10:00 pm, Saturday from 7:00 am - 5:00 pm Central Time.

We are required by federal law to notify you of the availability of government approved home ownership counseling agencies designed to help homeowners avoid losing their home. To obtain a list of approved counseling agencies for your state please call 1-800-569-4287. We urge you to give this matter your immediate attention.



Sincerely,

Default Management Department  
Wells Fargo Home Mortgage

Where appropriate, Wells Fargo Home Mortgage is required to inform you that, as your account servicer, we are attempting to collect a debt, and any information obtained will be used for that purpose. However, if you are a customer involved in an active bankruptcy case or you received a discharge in a bankruptcy case where the account was not otherwise reaffirmed or excepted from discharge, then this notice is being provided to you for informational purposes only and this is not a bill or a request for payment as to any such customer(s).